PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Keith D. ALLEN

Application No.: 10/005,216

Filed: December 4, 2001

For: TRANSGENIC MICE

CONTAINING TRP6 CALCIUM ION CHANNEL GENE DISRUPTIONS Examiner: Unassigned

Art Unit: 1632

Atty. Docket No.: R-881

PRELIMINARY AMENDMENT

COPY OF PAPERS OF BILLIANT

Commissioner for Patents Washington, D.C. 20231

Sir:

Prior to the examination of the above-referenced application and in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed June 19, 2002, entry of the following amendment is respectfully requested:

In the Drawings

Please replace Figure 3 in the application with the enclosed new Figure 3. A marked up copy of Figure 3 is also enclosed, with corrections indicated in red.

REMARKS

The amendment to Figure 3 merely adds a sequence identifier to the figure to comply with 37 C.F.R. 1.821(d) and does not introduce new matter. Entry of the foregoing amendment is respectfully requested.

Favorable action on the merits is earnestly solicited.

Date: July 10, 2002

Respectfully submitted,

Robert J. Driscoll, Reg. No. 47,536

DELTAGEN, INC. 740 Bay Road Redwood City, CA 94063 (650) 569-5168

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

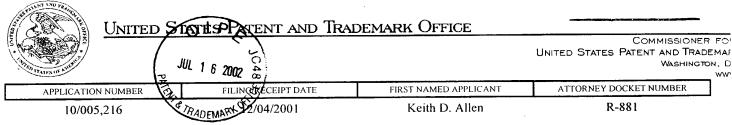
I hereby certify that this correspondence and its listed enclosures is being deposited with the United States Postal Service as First Class Mail, postage paid, in an envelope addressed to: Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231, Box NF Amendment/OIPE on July 10, 2002

Name: Don Mixon

Signed:

Date: 1/11/117_

COPY OF PAPERS ORIGINALLY FILED



Deltagen, Inc. 740 Bay Road Redwood City, CA 94063 CONFIRMATION NO. 6807
FORMALITIES LETTER

OC000000008309389

Date Mailed: 06/19/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821 - 1.825. The application must be in sequence compliance before examination on the merits.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extension of time may be obtained by filing a petition accompanier by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to: The Office Of Initial Patent Examination.

See the attachment.

Applicant Must Provide as part of the response:

An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600

 For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 – COPY TO BE RETURNED WITH RESPONSE



COPY OF PAPERS
ORIGINALLY FILED

APPLICATION 10/005216 DOES NOT COMPLY WITH THE SEQUENCE RULES BECAUSE:

	CRF, paper copy of sequence listing, and statement that both are same are missing
	CRF contains error(s) according to STIC Report
	CRF damaged or unreadable according to STIC Report
	CRF transferred from prior application is not compliant
X	Other: Figure 3 contains nucleic acid sequences that are not described in the sequence listing or CRF